

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**FRANCIS GRANDINETTI,**

**PLAINTIFF**

**V.**

**NO. 2:06CV120-P-B**

**J. FRANK LUNA, et al.,**

**DEFENDANTS**

**ORDER BARRING PLAINTIFF FROM PROCEEDING IN FORMA PAUPERIS  
AND CLOSING CASE**

This matter is before the court, *sua sponte*, for consideration of dismissal. Plaintiff, an inmate at the Tallahatchie County Correctional Facility, submitted a *pro se* § 1983 complaint in the United States District Court in Arizona. The District Court transferred the matter to this court which Plaintiff promptly appealed to the Ninth Circuit Court of Appeals where his case was considered and dismissed. Plaintiff, however, has been previously barred by this court from filing in forma pauperis cases pursuant to 28 U.S.C. § 1915(g). *See, Francis Grandinetti v. U.S.* , 2:05MC10 (N.D. Miss. November 21, 2005).

The Prison Litigation Reform Act was enacted in April 1996. This Act provides *inter alia*, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff has filed countless § 1983 complaints in this court and others, none of which have resulted in Plaintiff's favor. On November 21, 2005, this court dismissed case 2:05MC10 and

barred Plaintiff from filing any further *in forma pauperis* proceedings. Therefore, Plaintiff has accumulated more than three strikes and has been an abuser of his *in forma pauperis* privileges. Consequently, it is hereby

**ORDERED:**

- 1) this complaint is dismissed and the case CLOSED;
- 3) pursuant to 28 U.S.C. § 1915(g), the plaintiff is BARRED from filing any future *pro se* *in forma pauperis* complaints without permission of one of the judges of the court; and
- 4) any further submissions by Plaintiff not related to an appeal of this case will be neither acknowledged nor addressed by the court.

THIS the 15<sup>th</sup> day of November, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE